



Rep. Cynthia Soto

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1 AMENDMENT TO HOUSE BILL 363

2 AMENDMENT NO. _____. Amend House Bill 363 by replacing
3 everything after the enacting clause with the following:

4 "Section 5. The School Code is amended by adding Section
5 34-18.37 as follows:

6 (105 ILCS 5/34-18.37 new)

7 Sec. 34-18.37. Establishing an equitable and effective
8 school facility development process.

9 (a) The General Assembly recognizes all of the following:

10 (1) The Illinois Constitution indicates that "a
11 fundamental goal of the People of the State is the
12 educational development of all persons to the limits of
13 their capacities".

14 (2) Quality educational facilities are essential for
15 fostering the maximum educational development of all
16 persons through their educational experience from

1 prekindergarten through high school.

2 (3) The public school is a major institution in
3 communities that offers resources and opportunities for
4 many stakeholders, including not only families with
5 children who seek and deserve a quality education, but also
6 including the entire community that seeks educational
7 improvement.

8 (4) The equitable and efficient use of available
9 facilities-related resources among different schools and
10 among racial, ethnic, income, and disability groups is
11 essential to maximize the development of quality
12 educational facilities for all children, youth, and
13 adults. These factors vary according to the needs of each
14 school community, are vitally impacted by
15 facilities-related decisions, and, therefore, should
16 include the school community's voice to the greatest extent
17 possible in all current and future uses of the school
18 building.

19 (5) School openings, school closings, school
20 consolidations, school turnarounds, school phase-outs,
21 school construction, school repairs, school
22 modernizations, school boundary changes, and other related
23 school facility decisions often have profound impacts on
24 education in a community. These decisions must be carried
25 out only according to clear systemwide criteria and with
26 genuine involvement of local school councils, parents,

1 educators, and the community in decision-making.

2 (6) The General Assembly has previously stated that it
3 intended to make the individual school in the City of
4 Chicago the essential unit for educational governance and
5 improvement and to place the primary responsibility for
6 school governance and improvement in the hands of parents,
7 teachers, and community residents at each school. A school
8 facility policy must be consistent with these principles.

9 (7) The board shall prepare and implement a Master
10 School Facilities Plan for City of Chicago School District
11 299 that establishes a transparent and inclusive process
12 that is both educationally sound and fiscally responsible,
13 as well as an annual Master School Facilities Plan based on
14 this Plan.

15 (b) To ensure that the intent of the General Assembly is
16 carried out in a fair and equitable manner and to establish
17 educationally sound and fiscally responsible criteria for
18 related facilities planning, the following process shall apply
19 to the school district:

20 (1) A Special Joint Chicago Education Facilities
21 Committee shall be established within 30 days after the
22 effective date of this amendatory Act of the 96th General
23 Assembly and shall consist of 4 members of the House of
24 Representatives' Elementary & Secondary Education
25 Committee, 4 members of the Senate's Education Committee,
26 and 4 representatives of school community organizations

1 with past involvement in school facility issues. The
2 Speaker of the House of Representatives shall appoint the 4
3 members of the House Elementary and Secondary Committee, 2
4 of whom shall be Republicans and 2 of whom shall be
5 Democrats. The Speaker of the House shall appoint one of
6 the 4 appointed House members as Co-Chairperson of the
7 Committee. The Speaker of the House shall appoint one
8 representative of each of 2 school community organizations
9 with past involvement in Chicago school facility issues as
10 committee members. The President of the Senate shall
11 appoint the 4 members of the Senate Education Committee, 2
12 of whom shall be Republicans and 2 of whom shall be
13 Democrats. The President of the Senate shall appoint one of
14 the 4 appointed Senate members as a Co-Chairperson of the
15 Committee. The President of the Senate shall appoint one
16 representative of each of 2 school community organizations
17 with past involvement in Chicago school facility issues as
18 committee members. Additionally, the chief executive
19 officer of the school district or his or her designee, a
20 representative from the Chicago Teachers Union, and a
21 representative from the Chicago Principals Association
22 shall serve on the Committee.

23 (2) The Committee shall call on independent experts, as
24 needed, to gather and analyze pertinent information on a
25 pro bono basis, provided that such experts shall have no
26 previous or on-going financial interest in school facility

1 issues related to the school district. The Committee shall
2 secure pro bono expert assistance within 30 days after the
3 establishment of the Committee.

4 (3) The Committee shall be empowered to gather further
5 evidence, in the form of testimony or documents or other
6 materials; therefore, the Committee shall have the
7 authority to gather this testimony or compel the production
8 of these documents.

9 (4) The Committee, with the help of the independent
10 experts, shall analyze past Chicago experiences and data
11 with respect to school openings, school closings, school
12 consolidations, school turnarounds, school phase-outs,
13 school construction, school repairs, school
14 modernizations, school boundary changes, and other related
15 school facility decisions on their students. The Committee
16 shall consult widely with stakeholders, including public
17 officials, about these facility issues and their related
18 costs and shall examine relevant best practices from other
19 school systems for dealing with these issues
20 systematically and equitably. These initial investigations
21 shall include opportunities for input from local
22 stakeholders through hearings, focus groups, and
23 interviews.

24 (5) The Committee shall prepare a draft policy and
25 proposed legislation by September 30, 2009 describing how
26 these issues can be addressed effectively based upon

1 educationally sound and fiscally responsible practices,
2 which shall be known as the Master School Facilities Plan.

3 (6) The Committee shall hold hearings in separate
4 relevant areas of the school district at times that shall
5 maximize school community participation to obtain comments
6 on the proposed Master School Facilities Plan. The final
7 hearing shall take place no later than 30 days prior to the
8 completion of the final draft to be presented to the
9 General Assembly for approval. The final proposed plan
10 shall be made available to the public in the school
11 district at least 7 days before formal introduction in the
12 General Assembly.

13 (7) The Committee shall prepare a final proposed plan,
14 which shall be introduced as proposed State law and shall
15 address the issues, standards, and procedures set forth in
16 this Section. The proposed law shall address issues of
17 system-wide criteria for ensuring clear priorities,
18 equity, and efficiency.

19 (8) The proposed law shall establish significant
20 decision-making roles for key stakeholders, including the
21 individual school and community; shall require clear
22 criteria or processes for establishing criteria for making
23 school facility decisions; and shall include clear
24 criteria for setting priorities with respect to school
25 openings, school closings, school consolidations, school
26 turnarounds, school phase-outs, school construction,

1 school repairs, school modernizations, school boundary
2 changes, and other related school facility decisions,
3 including the encouragement of multiple community uses for
4 school space.

5 (9) The proposed law shall seek to minimize or
6 eliminate student mobility; the transferring of students
7 to lower performing schools; teacher mobility;
8 insufficient notice to and the lack of inclusion in
9 decision-making of local school councils, parents, and
10 community members about school facility decisions; and
11 costly facilities-related expenditures due to poor
12 educational and facilities planning.

13 (c) The Master School Facilities Plan shall set forth
14 criteria that shall form the basis for an annual Master School
15 Facilities Plan, in which the board rank-orders all schools in
16 the school district with respect to each type of proposed
17 school facility action, including school openings, school
18 closings, school consolidations, school turnarounds, school
19 phase-outs, school construction, school repairs, school
20 modernizations, school boundary changes, and other related
21 school facility decisions. These lists must be made public by
22 November 1 of each year. Each school facility action must be
23 taken in light of the severity of each school's needs, as
24 reflected in the school's ranking, with respect to a specific
25 type of needed action. Exceptions to the rank-ordered lists
26 must be justified in writing by the board.

1 (d) The chief executive officer of the school district
2 shall prepare a school-by-school annual report on the impact of
3 school openings, school closings, school consolidations,
4 school turnarounds, school phase-outs, school construction,
5 school repairs, school modernizations, school boundary
6 changes, and other related school facility decisions on each
7 school's students. This report shall enumerate, on a
8 school-by-school basis, the name of the school, the nature of
9 the actions taken, the number of students affected, and the
10 characteristics of the students, including, but not limited to,
11 race, ethnicity, language proficiency, disability, and
12 homeless status.

13 This annual report shall be filed with the State Board of
14 Education by September 30 of each year to report on the
15 previous school year and must be made available to the public,
16 within 30 days after filing, by the State Board of Education
17 and the Chicago Board of Education, in both hard-copy and
18 electronic form.

19 Section 99. Effective date. This Act takes effect upon
20 becoming law.".